

REMARKS

Claims 1-9 have been canceled. Claims 10-18 are pending and at issue in the above identified patent application. Of the claims at issue, claims 10 and 17 are independent. In view of the foregoing amendments and the following remarks, reconsideration of the application is respectfully requested.

The Rejections under 35 U.S.C. § 112

Claim 1-9 were rejected under 35 U.S.C. § 112 for a number of reasons. Claims 1-9 have been canceled, and claims 10-18 have been newly added. The applicants respectfully submit that each of the new claims are fully supported by the specification as originally filed, and furthermore clarify the claim language for examination. Accordingly, the new claims have been presented to overcome all rejects under 35 U.S.C. §112 that may have been proper, and withdrawal of the rejections is respectfully requested.

Requirement for Information under 37 CFR § 1.105

In response to the Examiner's requirement for additional information under 37 C.F.R. § 1.105, the applicants submit the following.

1. In compliance with M.P.E.P. §704.11(a)(B), the applicants note that the claimed subject matter currently is embodied in the AutoSPRINK[®] Fire Sprinkler CAD program, version VR4, marketed and distributed by M.E.P.CAD, Inc.
2. In compliance with M.P.E.P. §704.11(a)(G), the applicants submit herewith a Supplemental Information Disclosure Statement, including an identification of pending or abandoned applications that disclose similar subject matter. Nevertheless, the applicants note that application numbers 10/081,669, 10/282,560, 10/438,438, 10/438,450, 10/439,048, 10/439,106, and 10/439,402 disclose similar, yet patentably distinct, subject matter.

3. In compliance with M.P.E.P. §704.11(a)(N), the applicants submit herewith a redacted copy of a Statement of Work as Appendix A between the inventor David Hoeft and M.E.P.CAD, Inc. The inventor David Hoeft worked for Software Engineering, Inc. (SEI) to develop the AutoSPRINK[®] computer program. David Hoeft was President of SEI at the time of execution of the agreement, and as illustrated in paragraph 5.1, SEI assigned all rights, title, and interest, including all intellectual property rights, to M.E.P.CAD, Inc. This Statement of Work should eliminate any rejection under 35 U.S.C. § 102(f) that may have been proper, as it is clear that the current inventor invented the claimed subject matter.
4. In response to the Examiner's inquiry for information regarding the first appearance of the claimed invention in the AutoSPRINK[®] product, the applicant notes that on information and belief, the present invention was first embodied in the AutoSPRINK[®] 2000 product, publicly released by Software Engineering, Inc., and M.E.P.CAD no earlier than October 4, 2000.

The Rejections under 35 U.S.C. § 102

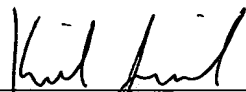
Claims 1-9 were rejected as anticipated by AutoSPRINK[®] under 35 U.S.C. §102(b). In particular, the claims were rejected as anticipated by the AutoSPRINK[®] online help as detailed in the present action. As noted in response to the Examiner's request for information under 37 CFR §1.105, however, the release date for the swing-joint feature presently embodied in the AutoSPRINK[®] online documentation was at least after October 4, 2000. Accordingly, the online help relied upon by the Examiner is not prior art under §102(b) as the invention was not described in printed publication or in use or on sale more than one year prior to the date of the application. Therefore, it is respectfully submitted that new claims 10-18 are in condition for allowance.

Conclusion

Reconsideration of the application and allowance thereof are respectfully requested.
If there is any matter that the examiner would like to discuss, the examiner is invited to contact the undersigned representative at the telephone number set forth below.

Respectfully submitted,
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